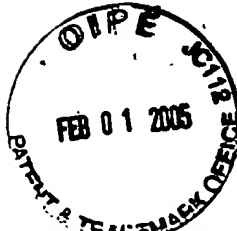


Practitioner's Docket No. BVOC005



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bertrand A. Damiba

Application No.: 09/769,638

Group No.: 2173

Filed: 01/24/2001

Examiner: Nguyen, Cao H.

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A TRANSCRIPTION OFFICE OF PETITIONS  
GRAPHICAL USER INTERFACE

RECEIVED

FEB 07 2005

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY UNDER  
37 C.F.R. § 1.137(b)

1. This application became abandoned on March 05, 2004.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional (37 C.F.R. § 1.137(b)(3)).
3. Response or action required is attached.
4. Fee (37 C.F.R. § 1.17(m))

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

Deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

02/03/2005 MAILED 11 00000030 09769638  
with sufficient postage as first class mail.

as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

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750.00 DP

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
Signature

Date: 1/28/2005

Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Application status is small business entity—fee \$750.00. A statement was filed.

5. Payment of fee

Applicants have enclosed a check in the amount of \$750.00. Authorization is hereby made to charge the any additional fees due or credit any overpayment to Deposit Account No. 50-1351 (Order No. BVOCP005).

A duplicate of this petition is attached.

6. Showing:

Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application was abandoned and the filing of this petition under 37 C.F.R. § 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

Date: \_\_\_\_\_

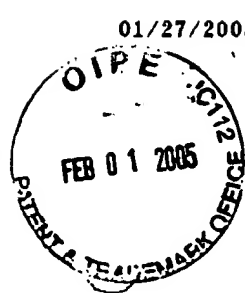
1/28/16

\_\_\_\_\_  
Signature of person making statement that  
abandonment was due to unintentional delay

Kevin J. Zilka  
Attorney for Applicant

\_\_\_\_\_  
Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
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USA

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
Customer No.: 28875



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Practitioner's Docket No. BVOC005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bertrand A. Damiba

Application No.: 09/769,638

Group No.: 2173

Filed: 01/24/2001

Examiner: Nguyen, Cao H.

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A  
TRANSCRIPTION GRAPHICAL USER INTERFACESHOWING REQUIRED WHEN PETITION BEING FILED IS MORE THAN 3  
MONTHS FROM NOTIFICATION OF ABANDONMENTMail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450RECEIVED  
FEB 07 2005  
OFFICE OF PETITIONS

Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits the following showing as to how the delay between the date the applicant was first notified that the application was abandoned (i.e. Notice of Abandonment mailed 04/20/04) and the filing of this petition (herewith) under 37 C.F.R. § 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997). See M.P.E.P. Section 711.03(c), 7th Edition.

## STATEMENT

My name is Thomas Kwan, an employee of BeVocal.

During prosecution of the present application, BeVocal kept a spreadsheet of the Office Actions received and dates that responses were due.

Prior to abandonment, Megan Carroll, general counsel for BeVocal, was in charge of BeVocal's patent program. Ms. Carroll continued to manage BeVocal's patent applications, including the above application through mid January 2004. Upon Ms. Carroll's departure from that role, Tacey Bourne, another employee of BeVocal, assumed responsibility of managing BeVocal's patent applications. I joined BeVocal in February 2004, and assumed responsibility for managing the above patent application in early June 2004. During this time of transition of patent management, the updated responsibility of incoming patent-related mail had not been established, due to an unintentional management error. At the same time, BeVocal's use of new, rotating receptionists to distribute mail only exacerbated this unintentional problem, especially since the patent-related mail was not addressed to any individual person. BeVocal was first put on notice of the abandonment of the above application with the mailing of the notice of

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abandonment on 4/20/04. However, as a result of the aforementioned general management errors, such notice was incorrectly routed internally, thus causing the unintentional delay between 04/20/04 until the filing of the revival paperwork. The foregoing oversight was not discovered until the matter was transferred over to BeVocal's newly commissioned patent attorney in October 2004, who worked diligently with me to prepare the response submitted herewith.

Due to the foregoing unintentional mismanagement, the delay between the date the applicant was first notified that the application was abandoned and the filing of this petition under 37 C.F.R. § 1.134(b) was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

Inventor's signature:



Date: 1/26/05

Thomas Kwan

Country of Citizenship:

USA

Residence:

1121 Main Ave

Sunnyvale, CA 94087